

UNITED STATES BANKRUPTCY COURT OF THE
WESTERN DISTRICT OF OKLAHOMA

IN RE: DONNA LEE SHEPARD,)
) Case No. 12-12619 NLJ
Debtor.) Chapter 13

**MOTION TO MODIFY CHAPTER 13 PLAN AND FOR COMPENSATION
WITH NOTICE OF OPPORTUNITY TO BE HEARD**

COMES NOW the Debtor, Donna L. Shepard (now Nelson), by and through counsel, James E. Palinkas, and for her Motion to Modify Chapter 13 Plan, would offer the following in support thereof:

1. That on or about May 23, 2012, the debtor filed a Chapter 13 petition for relief, which was subsequently confirmed as a 36-months Plan with Plan payments of \$340 per month.
2. That the debtor is in arrears on her chapter 13 plan payments and cannot catch up.
3. That the Order Confirming states that "any dismissal shall be with prejudice", however, the debtor can file and needs to file a chapter 7 after dismissal of this case.
4. That the debtor wishes to change the language of the Order Confirming from: "any dismissal shall be with prejudice" to: "any dismissal shall be with prejudice to re-filing a chapter 13 case". And that all other provisions of the confirmed & modified Plan not specifically modified herein shall remain in full force and effect.

WHEREFORE, it is respectfully requested that this Court enter an Order modifying the language of the Order Confirming Plan to "any dismissal shall be with prejudice to refilling chapter 13" and for such other and further relief as the Court may deem just and proper.

/s/ James E. Palinkas
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NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than twenty-four (24) days from the date of filing of this request for relief. You should also serve a file stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

The 24-day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).

CERTIFICATE OF MAILING

This is to certify that on the date of filing notice of the above Motion to Modify was electronically delivered to the chapter 13 Trustee & the U.S. Trustee using the Court's CM/ECM system.

Further, that on the date of filing I mailed a true and correct copy of the above Motion to Modify by first-class, U.S. mail to all interested parties listed on the attached creditor's matrix.

/s/ James E. Palinkas
JAMES E. PALINKAS